

EXHIBIT D

1 Andrew Gould (No. 013234)
2 Drew C. Ensign (No. 025463)
3 Dallin B. Holt (No. 037419)
4 Brennan A.R. Bowen (No. 036639)
5 HOLTZMAN VOGEL BARAN
6 TORCHINSKY & JOSEFIAK PLLC
7 2575 East Camelback Road, Suite 860
8 Phoenix, Arizona 85016
9 (602) 388-1262
10 agould@holtzmanvogel.com
11 densign@holtzmanvogel.com
12 dholt@holtzmanvogel.com
13 bbowen@holtzmanvogel.com
14 minuteentries@holtzmanvogel.com

15 Michael D. Berry (*pro hac vice forthcoming*)
16 Jessica H. Steinmann (*pro hac vice forthcoming*)
17 Richard P. Lawson (*pro hac vice forthcoming*)
18 Patricia Nation (*pro hac vice forthcoming*)
19 AMERICA FIRST POLICY INSTITUTE
20 1001 Pennsylvania Ave., N.W., Suite 530
21 Washington, D.C. 20004
22 (813) 952-8882
23 mberry@americafirstpolicy.com
24 jsteinmann@americafirstpolicy.com
25 rlawson@americafirstpolicy.com
26 pnation@americafirstpolicy.com

27 *Attorneys for Plaintiffs*

28 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

29 American Encore, an Arizona non-profit
30 corporation; Karen Glennon, an Arizona
31 individual; America First Policy Institute, a
32 non-profit corporation,

33 Plaintiffs,

34 vs.

35 Adrian Fontes, in his official capacity as
36 Arizona Secretary of State; Kris Mayes, in her
37 official capacity as Arizona Attorney
38 General; Katie Hobbs, in her official capacity
39 as Governor of Arizona,

40 Defendants.

41 Case No.: 2:24-CV-01673-MTL

42 **CATHARINE CYPHER'S
43 DECLARATION ON BEHALF OF
44 AMERICA FIRST POLICY
45 INSTITUTE**

1 I, Catharine Cypher, declare as follows:

2 1. I am the Deputy Chief of Staff at America First Policy Institute (“AFPI”),
3 which is a 501(c)(3) non-profit organization. I am authorized to make these statements on
4 behalf of AFPI.

5 2. I am competent to testify as to the matters contained herein and make this
6 declaration based on my own personal knowledge and AFPI’s records created in the
7 normal course of business.

8 3. I have reviewed AFPI’s pleadings, as well as other pleadings in the case, and
9 am generally familiar with their contents.

10 4. AFPI works in Arizona on issues related to legislation and public policy;
11 promoting voting in elections; and raising voter awareness on important issues, including
12 issues that are on the ballot for any given election.

13 5. AFPI has about 300,000 members nationwide, who are widely dispersed
14 throughout the United States. Individuals can elect to become members by specifically
15 signing up as members through AFPI’s website and through other channels.

16 6. Individuals who elect to become members through AFPI’s website use a
17 form that can be found at <https://americafirstpolicy.com/about>. The form is titled “Join the
18 Movement” and specifically indicates that “By providing your information, you become
19 a member of America First Policy Institute[.]” Anyone who completes the form thus
20 affirmatively indicates their intention to become a member of AFPI.

21 7. AFPI regards all such individuals that sign up through AFPI’s website as
22 members of the organization.

23 8. AFPI has approximately 2640 active members in Arizona. AFPI’s members
24 are distributed throughout the State and reside in all of Arizona’s 15 counties.

25 9. A substantial portion of AFPI’s members are registered voters. Although
26 AFPI does not track such information, based on my experiences with AFPI’s members, I
27 conservatively estimate that, as a general matter, approximately more than half of AFPI’s
28 members are registered voters. The true number is most likely much higher.

1 10. All of AFPI's members in Arizona that are registered voters face potential
2 disenfranchisement under the Vote Nullification Provision. All such members also suffer
3 injury from having their right to vote being made contingent on whether their county board
4 of supervisors certifies election results.

6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
7 is true and correct.

8 Executed on this 2nd day of August 2024.

By: 
Catharine Cypher, Deputy Chief of Staff
America First Policy Institute